

IN THE CLAIMS:

Please CANCEL claims 1, 4, 10 and 13 without prejudice to or disclaimer of the recited subject matter.

Please AMEND claims 2, 3, 5-7, 9, 11, 12, 14-16 and 18, as follows.

1. (Canceled)

2. (Currently Amended) A sheet treating apparatus according to Claim ~~[[1]]~~ 3, wherein when said delivering means is in said second position, an upstream side end portion of said delivering means with respect to the sheet delivering direction is positioned on an upstream side of said trailing edge regulating member with respect to the sheet delivering direction.

3. (Currently Amended) A sheet treating apparatus ~~according to Claim 1~~, for delivering a sheet to a treating tray and treating it, and thereafter delivering the treated sheet onto sheet stacking means, said sheet treating apparatus comprising:

a trailing edge regulating member for contacting with a trailing edge of the sheet delivered to said treating tray with respect to a delivering direction of the sheet, and regulating the trailing edge of the sheet; and

delivering means reciprocally movable between a first position in which it is retracted to an upstream side of said trailing edge regulating member with respect to the sheet delivering direction and a second position in which it protrudes into a stacking area of said

treating tray, and adapted to push the trailing edge of the sheet on said treating tray to thereby deliver the treated sheet onto said sheet stacking means,

wherein when said delivering means is to be moved from said second position to said first position, said delivering means is adapted to be moved to pass by the sheet delivered to said treating tray, and

wherein an upper surface of said delivering means constitutes a guide surface for guiding the sheet delivered to said treating tray.

4. (Canceled)

5. (Currently Amended) A sheet treating apparatus according to Claim ~~[[4]]~~ 6, wherein the upper surface of said delivering means has a shape substantially parallel to said transport path.

6. (Currently Amended) A sheet treating apparatus ~~according to Claim 4~~ for delivering a sheet to a treating tray and treating it, and thereafter delivering the treated sheet onto sheet stacking means, said sheet treating apparatus comprising:

a trailing edge regulating member for contacting with a trailing edge of the sheet delivered to said treating tray with respect to a delivering direction of the sheet, and regulating the trailing edge of the sheet; and

delivering means reciprocally movable between a first position in which it is retracted to an upstream side of said trailing edge regulating member with respect to the sheet delivering direction and a second position in which it protrudes into a stacking area of said treating tray, and adapted to push the trailing edge of the sheet on said treating tray to thereby deliver the treated sheet onto said sheet stacking means, wherein when said delivering means is to be moved from said second position to said first position, said delivering means is adapted to be moved to pass by the sheet delivered to said treating tray; and

a transport path for transporting the sheet to said treating tray, wherein an upper surface of said delivering means does not protrude to said transport path on the upstream side of said transport path with respect to the sheet delivering direction of said trailing edge regulating member, and is positioned on a substantially extension of said transport path on a downstream side of said transport path with respect to the sheet delivering direction of said trailing edge regulating member,

wherein said delivering means is moved along said transport path between said first position and said second position by cam means.

7. (Currently Amended) A sheet treating apparatus according to Claim [[4]] 3, further comprising a transport path for transporting the sheet to said treating tray, wherein an upper surface of said delivering means does not protrude to said transport path on the upstream side of said transport path with respect to the sheet delivering direction of said trailing edge regulating member, and is positioned on a substantially extension of said transport path on a downstream

side of said transport path with respect to the sheet delivering direction of said trailing edge regulating member.

wherein said delivering means is moved along said transport path between said first position and said second position by a rack formed on said delivering means, and a gear meshing with said rack.

8. (Withdrawn) A sheet treating apparatus according to Claim 7, wherein said gear is provided on a rotatable member rotated while supporting said delivering means.

9. (Currently Amended) An image forming apparatus comprising:  
an image forming portion for forming an image on a sheet, and  
a sheet treating apparatus according to any one of Claims ~~1 to 6~~ 2, 3, 5, 6, 7 or 8 for treating the sheet on which the image has been formed by said image forming portion.

10. (Canceled)

11. (Currently Amended) A sheet treating apparatus according to Claim ~~[[10]]~~ 12, wherein when said sheet delivery lever is in said second position, an upstream side end portion of said sheet delivery lever with respect to the sheet delivering direction is positioned on an upstream side of said trailing edge regulating member with respect to the sheet delivering direction.

12. (Currently Amended) A sheet treating apparatus ~~according to Claim 10, comprising:~~  
a treating tray on which sheets are temporarily stacked,  
a trailing edge regulating member which contacts with a trailing edge of the sheet  
delivered to said treating tray with respect to a delivering direction of the sheet, and which  
regulates the trailing edge of the sheet; and  
a stacking tray onto which the treated sheets are delivered,  
a sheet delivery lever reciprocally movable between a first position in which it is  
retracted to an upstream side of said trailing edge regulating member with respect to the sheet  
delivering direction and a second position in which it protrudes into a stacking area of said  
treating tray, and adapted to push the trailing edge of the sheet on said treating tray to thereby  
deliver the treated sheet onto said sheet stacking tray,  
wherein when said sheet delivery lever is to be moved from said second position  
to said first position, said sheet delivery lever is adapted to be moved to pass by the sheet  
delivered to said treating tray, and  
wherein an upper surface of said sheet delivery lever constitutes a guide surface  
for guiding the sheet delivered to said treating tray.

13. (Canceled)

14. (Currently Amended) A sheet treating apparatus according to Claim ~~[[13]]~~ 15, wherein the upper surface of said sheet delivery lever has a shape substantially parallel to said transport path.

15. (Currently Amended) A sheet treating apparatus ~~according to Claim 13~~ comprising:

- a treating tray on which sheets are temporarily stacked,
- a trailing edge regulating member which contacts with a trailing edge of the sheet delivered to said treating tray with respect to a delivering direction of the sheet, and which regulates the trailing edge of the sheet; and
- a stacking tray onto which the treated sheets are delivered,
- a sheet delivery lever reciprocally movable between a first position in which it is retracted to an upstream side of said trailing edge regulating member with respect to the sheet delivering direction and a second position in which it protrudes into a stacking area of said treating tray, and adapted to push the trailing edge of the sheet on said treating tray to thereby deliver the treated sheet onto said sheet stacking tray, wherein when said sheet delivery lever is to be moved from said second position to said first position, said sheet delivery lever is adapted to be moved to pass by the sheet delivered to said treating tray; and
- a transport path for transporting the sheet to said treating tray, wherein an upper surface of said sheet delivery lever does not protrude to said transport path on the upstream side of said transport path with respect to the sheet delivering direction of said trailing edge regulating member, and is positioned on a substantially extension of said transport path on a downstream

side of said transport path with respect to the sheet delivering direction of said trailing edge regulating member,

wherein said sheet delivery lever is moved along said transport path between said first position and said second position by cam means.

16. (Currently Amended) A sheet treating apparatus according to Claim [[13]] 12, further comprising:

a transport path for transporting the sheet to said treating tray, wherein an upper surface of said sheet delivery lever does not protrude to said transport path on the upstream side of said transport path with respect to the sheet delivering direction of said trailing edge regulating member, and is positioned on a substantially extension of said transport path on a downstream side of said transport path with respect to the sheet delivering direction of said trailing edge regulating member,

wherein said sheet delivery lever is moved along said transport path between said first position and said second position by a rack formed on said sheet delivery lever, and a gear meshing with said rack.

17. (Withdrawn) A sheet treating apparatus according to Claim16, wherein said gear is provided on a rotatable member rotated while supporting said sheet delivery lever.

18. (Currently Amended) An image forming apparatus comprising:

an image forming portion for forming an image on a sheet, and

a sheet treating apparatus according to any one of Claims ~~10 to 15~~ 11, 12, 14, 15,

16 or 17 which treats the sheets on which the image has been formed by said image forming portion.